



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re: Application of: James Brian VROTACOE, et al.
Serial No.: 09/767,108
Filed: January 22, 2001
For: FLOW-RESTRICTED PRINTING CYLINDER
FOR A REMOVABLE PRINTING SLEEVE
Art Unit: 2854
Confirmation No.: 9101
Examiner: Anthony Ngyuen
Attorney Docket No.: 600.1118
Customer No.: 23280

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Commissioner for Patents
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December 13, 2005

APPELLANTS' BRIEF UNDER 37 C.F.R. § 41.37

Sir:

Appellants submit this brief for the consideration of the Board of Patent Appeals and Interferences (the "Board") in support of their appeal of the Final Rejection dated April 13, 2005 in this application. The statutory fee of \$500.00 as well as the fee for a one month extension of \$120.00 paid concurrently herewith

1. REAL PARTY IN INTEREST

The real party in interest is Goss International Americas, Inc., having a place of business 121 Broadway, Dover, NH 03820, the assignee of the entire right, title and interest in the above-identified patent application. After the invention was assigned by inventor James Brian Vrotacoe to Heidelberger Druckmaschinen AG, recorded on April 12, 2001 at reel 011690, frame 0618, it was assigned by Heidelberger Druckmaschinen AG to Heidelberg Web Systems, Inc.. This assignment was recorded on August 6, 2004 at reel 015886, frame 0211. Heidelberg Web Systems, Inc. changed its name to Goss International Americas, Inc., which was recorded at reel 015866, frame 0713 on October 20, 2004.

2. RELATED APPEALS AND INTERFERENCES

Appellants, their legal representatives, and assignee are not aware of any appeal, interference or judicial proceeding that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.

3. STATUS OF CLAIMS

Claims 1 to 20 are pending. Claims 1 to 5 and 7 to 19 have been finally rejected as per the Final Office Action dated April 13, 2005. Claim 6 was objected to as depending from a rejected claim but has been indicated as allowable. Claim 20 has been indicated as allowable.

The rejection to claims 1 to 5 and claims 7 to 19 thus is appealed. A copy of appealed claims 1 to 5 and claims 7 to 19 is attached hereto as Appendix A.

4. STATUS OF AMENDMENTS AFTER FINAL

No amendment was made after the final rejection. A Notice of Appeal was filed on September 12, 2005 and received by the USPTO on September 14, 2005.

5. SUMMARY OF THE INVENTION

The present invention provides a printing cylinder (e.g. 10 in Fig. 1, see, e.g., specification on page 4, line 30) for accepting an axially-removable printing sleeve

(e.g. 12 in Fig. 1, see, e.g., specification on page 4, line 27) comprising a cylinder body (e.g. 10 in Fig. 1, see, e.g., specification on page 4, line 30) having an outer surface (see, e.g., specification on page 6, line 13), the outer surface (see, e.g., specification on page 6, line 13) having at least one hole (e.g. 16 in Fig. 2, see, e.g., specification on page 5, line 15); and a supply line (e.g. 70 in Fig. 4a, see, e.g., specification on page 5, line 21) in the cylinder body (e.g. 10 in Fig. 1, see, e.g., specification on page 4, line 30) for supplying fluid to the at least one hole (e.g. 16 in Fig. 2, see, e.g., specification on page 5, line 15), the supply line (e.g. 70 in Fig. 4a, see, e.g., specification on page 5, line 21) having at least one flow restrictor (e.g. 78 in Fig. 4a, see, e.g., specification on page 5, line 20) altering fluid flow as a function of the at least one hole (e.g. 14 in Fig. 2, see, e.g., specification on page 5, line 13) being covered by an axially-removable printing sleeve (e.g. 12 in Fig. 1, see, e.g., specification on page 5, line 3), the flow restrictor (e.g. 78 in Fig. 4a, see, e.g., specification on page 5, line 20) providing a first even fluid flow when the at least one hole is covered (see, e.g. 16 in Fig. 4a, specification on page 5, line 24) and a second different blocked air flow when the hole is uncovered (see, e.g. 2, 16 in Fig. 4b, specification on page 5, lines 28, 29).

The present invention further provides for a printing press (see, e.g. 1 in Fig. 1; specification on page 4, lines 25, 26) comprising a first printing cylinder (see, e.g. 10 in Fig. 2, specification on page 5, line 10) having at least one external hole (see, e.g. 14 in Fig. 2, specification on page 5, lines 10, 11) and a first flow restrictor (e.g. 78 in Fig. 4a, see, e.g., specification on page 5, line 20), a first axially removable printing sleeve (see, e.g. 12 in Fig. 2, specification on page 5, lines 3 to 5) fitting over the first printing cylinder, an additional printing cylinder (see, e.g. 60 in Fig. 2, specification on page 4, line 31) having at least one second external hole (see, e.g. 114 in Fig. 3, specification on page 6, lines 10, 11) and a second flow restrictor (see, e.g. , 60 in Fig. 5; specification on page 6, lines 10 to 14) an additional axially removable printing sleeve (see, e.g. 212 in Fig. 3, specification on page 6 lines 7 to 9) fitting over the additional printing cylinder, and a fluid supply source (see, e.g. 70 in Fig. 5, specification on page 6, lines 15 and 16) for supplying pressure to the first and second external holes (see,

external holes (see, e.g. 16 in Fig. 5, specification on page 6, lines 15 and 16), the first flow restrictor restricting flow through the external hole as a function of an axial position of the first printing sleeve with respect to the first printing cylinder and the second flow restrictor restricting flow through the second external hole as a function of an other axial position of the additional printing sleeve with respect to the additional printing cylinder.

Further, the present invention provides for a printing press (see, e.g. Fig. 1, specification on page 4, line 25 to page 5, line 2) comprising a printing cylinder having an outer surface (see, e.g., specification on page 6, line 13) with at least one first external hole (e.g. 16 in Fig. 2, see, e.g., specification on page 5, line 15) with a first flow restrictor (e.g. 78 in Fig. 4a, see, e.g., specification on page 5, line 20), and at least one second external hole (see, e.g. 114 in Fig. 3, specification on page 6, lines 10, 11) with a second flow restrictor (see, e.g., 60 in Fig. 5; specification on page 6, lines 10 to 14), a first axially removable printing sleeve (see, e.g. 212 in Fig. 3, specification on page 6 lines 7 to 9) fitting over the printing cylinder so as to cover the at least one first external hole, and a second axially removable printing sleeve fitting over the printing cylinder (see, e.g. 10 in Fig. 2, specification on page 5, line 10) so as to cover the at least one second external hole.

The invention also discloses a method for axially removing a printing sleeve over a printing cylinder (see, e.g. 10 in Fig. 2, specification on page 5, line 10), the printing cylinder having a work side end (see, specification on page 5, lines 15 and 16) and a gear side end (see, e.g. specification on page 5, lines 15 and 16) and having holes at a work side end and having other holes between the holes at the work side end and the gear side end (see, e.g. 16 in Fig. 2, specification on page 5, lines 16 to 18) comprising the steps of, applying fluid pressure to an inside of a printing sleeve located on a printing cylinder through the holes and through the other holes (see, e.g. specification on page 5, lines 24 to 27), sliding the printing sleeve in a direction of the work side end of the printing cylinder (see, specification on page 6, line 28 and 29), and automatically restricting flow through the other holes when the printing sleeve no

longer is located over the other holes (see, e.g. specification on page 6, lines 29 to 32).

The invention also discloses a printing cylinder (e.g. 10 in Fig. 1, see, e.g., specification on page 4, line 30) for accepting an axially-removable printing sleeve (e.g. 12 in Fig. 1, see, e.g., specification on page 4, line 27) comprising a cylinder body (e.g. 10 in Fig. 1, see, e.g., specification on page 4, line 30) having an outer surface, the outer surface having at least one hole (see, e.g., specification on page 6, line 13); and a supply line (see, e.g. 70 in Fig. 4a, specification on page 5, line 21) in the cylinder body (see, e.g. 10 in Fig. 1, specification on page 4, line 30) for supplying fluid to the at least one hole (see, e.g. 16 in Fig. 2, specification on page 5, line 15), the supply line (see, e.g. 70 in Fig. 4a, specification on page 5, line 21) having at least one flow restrictor (see, e.g. 78 in Fig. 4a, specification on page 5, line 20) altering fluid flow as a function of the at least one hole (see, e.g. 14 in Fig. 2, specification on page 5, line 13) being covered by an axially-removable printing sleeve (see, e.g. 12 in Fig. 1, specification on page 5, line 3), wherein the flow restrictor includes a plurality of opposing fins (see, e.g. 76 in Fig. 2, specification on page 5, lines 22 to 24), tips of opposing fins being spaced so as to form a free-flow channel (see, e.g. page 5, lines 22 to 24).

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1 and 2 should be rejected under 35 U.S.C. §102(b) as being anticipated by Fellows (US 4,030,415).

Whether claims 3 to 5, 7 to 14 and 16 to 19 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Fellows (US 4,030,415) in view of Kay et al. (US 4,398,563).

Whether claim 15 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Fellow in view of Kay et al. and further in view of Thompson et al. (US 5,544,584).

7. ARGUMENTS

A. Rejections under 35 U.S.C. §102(b)

Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated by Fellows (US 4,030,415).

Claim 1 recites a printing cylinder for accepting an axially-removable printing sleeve comprising:

a cylinder body having an outer surface, the outer surface having at least one hole; and

a supply line in the cylinder body for supplying fluid to the at least one hole, the supply line having at least one flow restrictor altering fluid flow as a function of the at least one hole being covered by an axially-removable printing sleeve, the flow restrictor providing a first even fluid flow when the at least one hole is covered and a second different blocked air flow when the hole is uncovered.

A fluid restrictor as defined by the present invention is more than a smooth bore, it is a device in which the fluid flows in a different path or manner depending on the covering of the outlet of the supply line, including blocking flow for example via vortices when the hole for example is uncovered. This is well described in the present specification at page 5, column 29 et seq. for example.

Fellows shows a flexographic printing roll with holes 10c and a passageway 16. Passageway 16 can be of small diameter. See Fellows at col. 3, line 40.

The outstanding Office Action states that the hole is 10c, and the supply line is 16.

Claim 1 recites “a supply line in the cylinder body for supplying fluid to the at least one hole.” Passageway 16 however clearly does not provide fluid to the hole 10c as asserted and thus does not meet this limitation.

Moreover, passageway 16 is just a small smooth bore and is not “providing a first even fluid flow when the at least one hole is covered and a second different blocked air flow when the hole is uncovered.” The flow is the same whether covered or uncovered.

If the Office Action is asserting that the passageway 16 is providing an even

fluid flow when the hole is covered, then the passageway is also providing an even fluid flow when the hole is uncovered since the fluid flows the same way.

Alternately, if the Office Action is asserting that the passageway provides a blocked fluid flow when the hole is uncovered, then in Fellows it is providing just as blocked a fluid flow when the hole is covered.

Fellows does not meet the limitation of claim 1 or its dependent claim 2.

Withdrawal of the rejections to claims 1 and 2 thus is respectfully requested.

B. Rejections under 35 U.S.C. §103(a): Fellows in view of Kay

Claims 3 to 5, 7 to 14 and 16 to 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fellows (US 4,030,415) in view of Kay et al. (US 4,398,563).

In light of the above with respect to claim 1, withdrawal of the rejections is respectfully requested.

In addition, Kay discloses a multi-tube flow restrictor having two operational possibilities: either no flow at all, or a restricted flow between inlet 16 and outlet 18 which aids in sound suppression. See column 3, lines 13 to 21 and column 4, lines 20 to 31 of Kay. Kay must *move* the valve member 36 to shut off flow.

Claim 1 again recites “the supply line having at least one flow restrictor altering fluid flow as a function of the at least one hole being covered by an axially-removable printing sleeve, the flow restrictor providing a first even fluid flow when the at least one hole is covered and a second different blocked air flow when the hole is uncovered.”

The restrictor of Kay does not meet this limitation as the restrictor does not have two flows based on the covering of the outlet hole.

It also is respectfully submitted that there is no reason or motivation for providing the Kay sound-suppressing restrictor in the Fellows device. The motivation provided “to permit more precise control [sic:of] the fluid flow in the cylinder...” is not found in any of the prior art and it is not understood why such control is needed with passageway 16 of the Fellows device.

Thus withdrawal of the rejections under 35 U.S.C. §103(a) to claims 3 to 5, 7 to 14 and 16 to 19 is respectfully requested.

i. Claim 4: Argued separately

Claim 4, rejected as in B. above, recites the “printing cylinder as recited in claim 1 wherein the cylinder body has a work side end and a gear side end, the outer surface having a plurality of other holes located axially between the at least one hole and the work side end.”

There are no holes, much less a plurality of holes, between the passageway 16 and the work side end (the left side of Fig. 1), and no space for such holes in Fellows. In fact, it appears that Fellows wants only a single hole at the conical end 10a.

Withdrawal of the rejection to this claim as well is respectfully requested.

ii. Claim 5: Argued separately

Claim 5 was rejected under 35 U.S.C. 103 as unpatentable over Fellows in view of Kay.

Claim 5 depends from claim 4 and recites that the plurality of other holes include another supply line having at least one other flow restrictor for the other holes.

Neither Fellows nor Kay show another flow restrictor for other holes, and this is not a mere duplication of elements, as it requires the structural limitation that the other flow restrictor be for the other holes. Neither Fellows nor Kay shows this limitation. Fellows shows a plurality of holes already, but only one passageway 16. One of skill in the art would not have found it obvious to provide more such holes to Fellows, as duplication of the passageways would increase air loss that Fellows seeks to avoid by having the narrow passageway.

Withdrawal of the rejection to claim 5 is respectfully requested for this reason as well.

iii. Claim 8: Argued separately

Claim 8 was rejected under 35 U.S.C. 103 as unpatentable over Fellows in view of Kay.

Claim 8 depends from claim 1 and further recited "that the at least one hole includes a plurality of holes and the at least one flow restrictor includes a flow restrictor for each hole."

Neither Fellows nor Kay shows a flow restrictor for each of a plurality of holes. In fact Fellows teaches away from this limitation by providing a single passageway 16 and no flow restrictors. In view of Fellows desire to keep hole size to a minimum, it would not have been obvious to provide more passageways

Withdrawal of the rejection to claim 8 is respectfully requested as well as for the reasons discussed with respect to claim 1.

iv. Claim 9: Argued separately:

Claim 9 was rejected under 35 U.S.C. 103 as unpatentable over Fellows in view of Kay.

Claim 9 depends on claim 8 and further recites that the outer surface has a second set of holes for a second axially-removable printing sleeve, the second set of holes having second flow restrictors.

Neither Fellows nor Kay shows holes for a second axially removable printing sleeve. This is a novel construction shown in Fig. 3 of the present application, and there is no teaching or motivation in Fellows or Kay to provide such a feature, to a second set of flow restrictors. Fellows only show a passageway 16 for one sleeve, and this is at a single beveled surface.

Withdrawal of the rejection to claim 9 is respectfully requested as well as for the reasons discussed with respect to claim 1 and with respect to the lack of motivation to combine Fellows and Kay.

v: Claims 10 and 18: Argued separately:

Claim 10 was rejected under 35 U.S.C. 103 as unpatentable over Fellows in view of Kay.

Claim 10 depends from claim 1 and reciting wherein the printing cylinder is a blanket cylinder. Claim 18 has a similar limitation.

Fellows is a flexographic printing roll, and not a blanket cylinder, which is the transfer cylinder in an offset printing press, as shown in Fig. 1 of the present invention.

It would not have been obvious to one of skill in the art to alter the flexographic printing sleeve of Fellows into a blanket, as these are for different types of printing processes.

The Office Action also did not address this limitation.

Withdrawal of the rejection to claim 10 is respectfully requested as well as for the reasons discussed with respect to claim 1 and with respect to the lack of motivation to combine Fellows and Kay.

vi. Claims 11 and 12: Argued separately:

Claims 11 and 12 were rejected under 35 U.S.C. 103 as unpatentable over Fellows in view of Kay.

Claim 11 recites a printing press comprising:

- a first printing cylinder having at least one external hole and a first flow restrictor;
- a first axially removable printing sleeve fitting over the first printing cylinder;
- an additional printing cylinder having at least one second external hole and a second flow restrictor;
- an additional axially removable printing sleeve fitting over the additional printing cylinder; and
- a fluid supply source for supplying pressure to the first and second external holes;
- the first flow restrictor restricting flow through the external hole as a function of an axial position of the first printing sleeve with respect to the first printing cylinder and the second flow restrictor restricting flow through the second external hole as a function of an other axial position of the additional printing sleeve with respect to the additional printing cylinder.

These limitations are not mere duplications of features found in claim 1 (as asserted in the final office action), but are structural limitations describing a novel printing press, and provide a single fluid source for the two flow restrictors.

Neither Fellows nor Kay shows these limitations and withdrawal of the

rejection to claim 11 is respectfully requested, in addition to the reasons with respect to the flow restrictor limitation given with respect to claim 1 above, and the lack of motivation for combining Fellow and Kay as discussed above.

vi. Claims 13 and 14: Argued separately:

Claims 13 and 14 were rejected under 35 U.S.C. 103 as unpatentable over Fellows in view of Kay.

Claims 13 and 14 depend on claim 11 and recite wherein the first printing cylinder is a blanket cylinder or the printing press is an offset lithographic printing press.

Neither Fellows nor Kay discloses that the cylinder can be a blanket cylinder, which is part of an offset lithographic printing press. Fellows is for flexographic printing, not for offset printing.

Withdrawal of the rejection to claims 13 and 14 is respectfully requested for this reason as well as for the reasons discussed with respect to claim 11.

vii. Claim 16: Argued Separately

Rejected as in B. above, claim 16 recites a method for axially removing a printing sleeve over a printing cylinder, the printing cylinder having a work side end and a gear side end and having holes at a work side end and having other holes between the holes at the work side end and the gear side end comprising the steps of:

applying fluid pressure to an inside of a printing sleeve located on a printing cylinder through the holes and through the other holes;

sliding the printing sleeve in a direction of the work side end of the printing cylinder; and

automatically restricting flow through the other holes when the printing sleeve no longer is located over the other holes.

There is no teaching in Fellows or Kay of "automatically restricting flow through the other holes when the printing sleeve no longer is located over the other holes" as recited in claim 16 not has the Office Action asserted any. The holes 10c of Fellows are not automatically restricted for flow.

C: Claim 15: Argued separately:

Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fellows (US 4,030,415) in view of Kay et al. (US 4,398,563) and further in view of Thompson et al. (US 5,544,584).

Thompson further discloses a flexographic tube with apertures. An inner sleeve of a sleeve. Elements 10 and 11 define a single sleeve.

Claim 15 recites a printing press comprising:

a printing cylinder having an outer surface with at least one first external hole with a first flow restrictor, and at least one second external hole with a second flow restrictor,

a first axially removable printing sleeve fitting over the printing cylinder so as to cover the at least one first external hole; and

a second axially removable printing sleeve fitting over the printing cylinder so as to cover the at least one second external hole.

Neither Fellows nor Kay nor Thompson discloses two axially removable sleeve on one cylinder. This is not a mere duplication of elements: if Fellows were duplicated, two separate cylinders would be provided for two sleeves. What is claimed is two printing sleeves on one cylinder, which would not have been obvious to one of skill in the art after reviewing Fellows and Kay.

Moreover inner sleeve 11 of Thompson is not a "printing sleeve" as it does not print- it is a support sleeve section.

Withdrawal of the rejection to claim 15 is respectfully requested.

Respectfully submitted,

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APPENDIX A:

**APPEALED CLAIMS 1 TO 5 AND 7 TO 19 OF
U.S. APPLICATION SERIAL NO. 09/767,108**

Claim 1 (previously presented): A printing cylinder for accepting an axially-removable printing sleeve comprising:

 a cylinder body having an outer surface, the outer surface having at least one hole; and

 a supply line in the cylinder body for supplying fluid to the at least one hole, the supply line having at least one flow restrictor altering fluid flow as a function of the at least one hole being covered by an axially-removable printing sleeve, the flow restrictor providing a first even fluid flow when the at least one hole is covered and a second different blocked air flow when the hole is uncovered.

Claim 2 (original): The printing cylinder as recited in claim 1 wherein the fluid is air.

Claim 3 (original): The printing cylinder as recited in claim 1 wherein the flow restrictor creates vortices when the at least one hole is uncovered.

Claim 4 (previously presented): The printing cylinder as recited in claim 1 wherein the cylinder body has a work side end and a gear side end, the outer surface having a plurality of other holes located axially between the at least one hole and the work side end.

Claim 5 (original): The printing cylinder as recited in claim 4 wherein the plurality of other holes include another supply line having at least one other flow restrictor for the other holes.

Claim 7 (previously presented): The printing cylinder as recited in claim 1 wherein the cylinder body has a work side end and a gear side end, the at least one hole being spaced closer to the gear side end than the work side end.

Claim 8 (original): The printing cylinder as recited in claim 1 wherein the at least one hole includes a plurality of holes and the at least one flow restrictor includes a flow restrictor for each hole.

Claim 9 (original): The printing cylinder as recited in claim 8 wherein the outer surface has a second set of holes for a second axially-removable printing sleeve, the second set of holes having second flow restrictors.

Claim 10 (original): The printing cylinder as recited in claim 1 wherein the printing cylinder is a blanket cylinder.

Claim 11 (original): A printing press comprising:

- a first printing cylinder having at least one external hole and a first flow restrictor;
- a first axially removable printing sleeve fitting over the first printing cylinder;
- an additional printing cylinder having at least one second external hole and a second flow restrictor;
- an additional axially removable printing sleeve fitting over the additional printing cylinder; and
- a fluid supply source for supplying pressure to the first and second external holes;
- the first flow restrictor restricting flow through the external hole as a function of an axial position of the first printing sleeve with respect to the first printing cylinder and the second flow restrictor restricting flow through the second external hole as a function of an other axial position of the additional printing sleeve with respect to the additional printing cylinder.

Claim 12 (original): The printing press as recited in claim 11 wherein no valves are located between the first and second external holes.

Claim 13 (original): The printing press as recited in claim 11 wherein the first printing cylinder is a blanket cylinder.

Claim 14 (original): The printing press as recited in claim 11 wherein the printing press is an offset lithographic printing press.

Claim 15 (original): A printing press comprising:

a printing cylinder having an outer surface with at least one first external hole with a first flow restrictor, and at least one second external hole with a second flow restrictor,

a first axially removable printing sleeve fitting over the printing cylinder so as to cover the at least one first external hole; and

a second axially removable printing sleeve fitting over the printing cylinder so as to cover the at least one second external hole.

Claim 16 (previously presented): A method for axially removing a printing sleeve over a printing cylinder, the printing cylinder having a work side end and a gear side end and having holes at a work side end and having other holes between the holes at the work side end and the gear side end comprising the steps of:

applying fluid pressure to an inside of a printing sleeve located on a printing cylinder through the holes and through the other holes;

sliding the printing sleeve in a direction of the work side end of the printing cylinder; and

automatically restricting flow through the other holes when the printing sleeve no longer is located over the other holes.

Claim 17 (original): The method as recited in claim 16 wherein the automatically restricting step includes forming vortices in a supply line for the other holes.

Claim 18 (original): The method as recited in claim 16 wherein the printing sleeve is a blanket.

Claim 19 (original): The method as recited in claim 16 further comprising sliding an additional printing sleeve in the direction of the work side end.

APPENDIX B

Evidence Appendix under 37 C.F.R. §41.37 (c) (ix):

No evidence pursuant to 37 C.F.R. §§1.130, 1.131 or 1.132 and relied upon in the appeal has been submitted by appellants or entered by the examiner.

APPENDIX C

Related proceedings appendix under 37 C.F.R. §41.37 (c) (x):

As stated in "2. RELATED APPEALS AND INTERFERENCES" of this appeal brief, appellants, their legal representatives, and assignee are not aware of any appeal or interference that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.